

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

UNITED STATES OF AMERICA,)	
)	
Plaintiff(s),)	
)	2:10-cr-121-RLH-RJJ
vs.)	
)	MINUTES OF THE COURT
BRETT DEPUE,)	
)	February 13, 2012
Defendant(s).)	
_____)	

THE HONORABLE ROGER L. HUNT UNITED STATES DISTRICT JUDGE
COURTROOM ADMINISTRATOR KANDY CAPOZZI COURT REPORTER HEATHER NEWMAN
COUNSEL FOR PLAINTIFF(S) BRIAN PUGH; SARAH GRISWOLD

COUNSEL FOR DEFENDANT(S) BRETT DEPUE (pro se); MACE YAMPOLSKY (standby)

MINUTES OF PROCEEDINGS: **JURY TRIAL (Day Six)**

The Court convenes at 8:38 a.m. Defendant is present. FBI agent Steven Konrad is present with the Government.

Angelica Kimber, remaining under oath, resumes the stand and examination concludes. The witness is cross-examined and excused.

Mr. Pugh calls **BONNIE PALAZZOLA** to the stand. The witness is sworn, examined and excused.

Mr. Pugh calls **CLAUDIA TILLEY** (formerly Claudia Gamboa) to the stand. The witness is sworn and examination commences.

The Court recesses from 10:02 a.m. to 10:18 a.m.

The examination of **Ms. Tilley** concludes. The witness is cross-examined and excused.

Mr. Pugh calls **LARRY ZETOCKA** to the stand. The witness is sworn, examined, cross-examined and excused.

Mr. Pugh calls **BARBARA MANINO** to the stand. The witness is sworn, examined, cross-examined and excused.

Mr. Pugh calls **KIM SCREEN** to the stand. The witness is sworn, examined, cross-examined and excused.

The Court recesses from 11:52 a.m. to 12:25 p.m.

Ms. Griswold calls **ELIZABETH PALOMBO** (formerly Elizabeth Monks) to the stand. The witness is sworn, examined, cross-examined and excused.

Ms. Griswold calls **BRETT GIBBS** to the stand. The witness is sworn, examined, cross-examined and excused. Government's exhibit 53 is marked and admitted into evidence.

Mr. Pugh informs the Court the Government has no further witnesses available today other than their agent, who they intend to call last as a summary witness. The Government will conclude with its remaining witnesses tomorrow and rest. Therefore, Mr. Pugh requests the Court adjourn early today.

The request is granted.

IT IS HEREBY ORDERED the trial in this matter shall continue TUESDAY, FEBRUARY 14, 2012 at 8:30 a.m.

The jury is admonished and the Court adjourns at 1:30 p.m.

The Court reconvenes at 1:37 p.m.

OUTSIDE THE PRESENCE OF THE JURY: As the Government stated its intent to rest tomorrow, the Court informs Mr. Depue that he should be prepared to call any witnesses in his defense and testify if that is his desire.

Mr. Depue advises that he will be taking the stand.

In preparation for his testimony, the Court directs Mr. Depue to consult with Mr. Yampolsky and Mr. Yampolsky shall then prepare the questions that will be asked of the Defendant. Mr. Yampolsky will ask those questions when Mr. Depue takes the stand.

The Court urges Mr. Depue to carefully consider Mr. Yampolsky's advice if he counsels that certain questions will not be admitted. However, Mr. Depue may have any questions asked that he wishes and the Court will entertain any objections that may arise during his testimony.

Mr. Depue advises that he has one witness, but is unsure if that witness can travel in time to be available tomorrow. Therefore, he inquires if the Court would consider delaying until Wednesday if necessary.

The Court will entertain the request after the Government rests.

Mr. Yampolsky informs the Court that Mr. Depue's intended witness is their expert and he believes he may not be able to travel here in time to testify.

The Court notes that the expert was approved to assist *only* and the Court was assured he would not be testifying. Therefore, he will not be permitted to testify.

Mr. Pugh states the Government would object to the expert testifying.

If the defense does not proceed tomorrow and there is time, the Court wishes to initiate the procedure of settling jury instructions. The parties should come prepared to do so.

The Court adjourns at 1:46 p.m.

LANCE S. WILSON, CLERK
U.S. DISTRICT COURT

BY: /s/ Kandy Capozzi
Courtroom Administrator